

Mr. Larry Morris, Public Works Director, was present to answer questions. Mr. Morris pointed out that if bagged material is put with the trash, leaves and limbs, the resident will get a red X because that is a mixed pile. He said bags or boxes placed next to the garbage roll cart will be picked up with the garbage. Council then discussed vegetative material and what it covers. Discussion also included work done by contractors. It was pointed out contractors must take away trash they created or limbs that they have cut. Mr. Morris stated if citizens have questions about pickup of items or materials they should call the office, and the staff will try to explain the best way to get rid of the material at the least cost to the citizen.

Council pointed out some changes they felt needed to be made on the door tag.

Mr. Morris stated the procedure on the \$5 fee for failure to return the roll cart to the backyard would be one warning. He stated it would cost the city more than \$5 to give a second warning and to send a certified letter, considering personnel time. He said the plan is to give one warning on failure to return the roll cart to the backyard and then place the service fee on the water bill if the cart is left a second time.

After discussion the general consensus of Council was that staff start enforcement of the penalties of the ordinance for trash pickup and the roll cart service as suggested.

The worksession ended at 6:59 P.M.

#### Aiken City Council Minutes

#### REGULAR MEETING

January 10, 2005

Present: Mayor Cavanaugh, Councilmembers Clyburn, Cuning, Price, Smith, Sprawls, and Vaughters.

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Larry Morris, Ed Evans, Glenn Parker, Anita Lilly, Richard Pearce, Sara Ridout, Philip Lord of the Aiken Standard, Krista Zilizi of the Augusta Chronicle, and about 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:06 P.M. Councilwoman Price led in prayer, which was followed by the pledge of allegiance to the flag.

#### APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Sprawls stated he would like to make an addition to the agenda. Councilman Sprawls moved that the ordinance to amend the Zoning Ordinance regarding beauty salons in the LP zone which was denied at the December 13, 2004, meeting be added to the January 24, 2005, agenda for additional consideration. He asked that the matter be placed on this agenda for discussion for consideration to place on the next agenda. Councilmembers questioned how this matter could be placed back on the agenda since the matter had been considered and denied. Councilmembers pointed out they could be spending all their time considering matters over and over if Councilmembers keep bringing matters back. Mr. Gary Smith, City Attorney, stated that under Council's rules and procedures in the City Code, certain motions are allowed by Council. He stated Paragraph 6.L deals with motions to reconsider. He said motions to reconsider may only be taken up at the meeting at which the matter is under consideration. The paragraph further states "that nothing in the subsection should be construed to prevent the original matter from being placed on the agenda for a subsequent meeting if requested by at least three Councilmembers." He said if two Councilmembers join with Councilman Sprawls' motion then it would be appropriate to place the matter on the next agenda. Councilman Cuning seconded the motion.

Mayor Cavanaugh stated he was asking for additions or deletions to this agenda. He asked if other Councilmembers were in favor of adding the matter to this agenda for

discussion on whether to add to a future agenda. Mayor Cavanaugh and Councilwoman Clyburn stated they would be in favor of adding the matter to this agenda for discussion.

Councilwoman Vaughters asked that discussion of the street signs that were placed in the downtown area during the holidays be added to the agenda. She wondered what was being done to get the signs up permanently. She asked for an update on the matter.

Ms. Al Payne stated she would like to be added to the agenda to discuss big trucks being parked in Crosland Park.

Mayor Cavanaugh asked that Council vote on adding three items to the agenda. Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council add three items to the agenda as requested.

### MINUTES

The minutes of the work session of December 8, 2004 and the worksession and regular meeting of December 13, 2004 were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

### BOARDS AND COMMISSIONS

#### Appointments

#### Historic Preservation Commission

#### Law, McDonald

Mayor Cavanaugh stated Council needed to make one appointment to the boards and commissions of the city.

Mr. LeDuc stated there are 10 pending appointments to boards and committees of the city and 1 appointment is presented for Council's consideration.

Mayor Cavanaugh has recommended reappointment of McDonald Law to the Historic Preservation Commission. If reappointed, his term would expire December 31, 2006.

Mayor Cavanaugh moved, seconded by Councilwoman Price, and unanimously approved, that Council reappoint McDonald Law to the Historic Preservation Commission with the term to expire December 31, 2006.

Councilwoman Clyburn stated she would like to reappoint Marilyn Brown to the Environmental Committee and asked that the matter be placed on the next agenda for consideration.

### AUDIT – ORDINANCE 01102005

#### Fiscal Year 2003-04

#### FY 2003-04

#### Cherry, Bekaert, and Holland

#### Budget

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve the Fiscal Year 2003-2004 audit and the variances to the 2003-2004 budget ordinance.

Mr. LeDuc read the title of the ordinance.

### AN ORDINANCE ACCEPTING THE FISCAL YEAR 2003-2004 AUDITED FINANCIAL STATEMENTS AND AUTHORIZING THE VARIANCES TO THE FISCAL YEAR 2003-2004 BUDGET ORDINANCE.

Mr. LeDuc stated that every year, City Council approves the authorization of changes to the original budget. This is to reflect the spending needs during the fiscal year which may vary per each individual line item. The audit presented by Cherry, Bekaert, and

Holland at the work session on December 13, 2004, showed all the changes to the 2003-2004 budget with respect to the proposed and actual revenue and expenditures. In essence, the audit is a reconciliation of what was approved by Council in June, 2003, and what was spent during the fiscal year. He said this was the last year for Cherry, Bekaert, and Holland to perform the audit.

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance approving the Fiscal Year 2003-2004 audit and the variances to the 2003-2004 budget and that the ordinance become effective immediately.

WOODSIDE PLANTATION – ORDINANCE 01102005A

Right-of-Way

Woodside Property Owners Association

East Gate Drive

Spencer Drive

Bedford Place

Traffic Circle

Water

Sewer

Storm Drainage

Deed

Street

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to deed the right of way of East Gate Drive from the edge of the traffic circle to the gate of Woodside Plantation to the Woodside Plantation POA.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF THE  
PROPERTY OWNED BY THE CITY OF AIKEN KNOWN AS THE REMAINING  
SOUTHWEST PORTION OF EAST GATE DRIVE IN AIKEN, SOUTH CAROLINA.

Mr. LeDuc stated that the City of Aiken owns a small portion of the East Gate Drive right of way from the traffic circle at Spencer and Bedford Place to the gate at Woodside. The Woodside Property Owners Association (POA) currently maintains this portion of the right of way and due to an irrigation system that jointly connects this portion of East Gate Drive with another portion on their property, it's in the best interest of the City to deed this property to Woodside. The deed would retain the City's ownership of all water, sewer and storm drainage main lines in the area.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to deed the right of way of East Gate Drive from the edge of the traffic circle to the gate of Woodside to the Woodside POA, and that the ordinance become effective immediately.

AVIATION BUSINESS PARK – ORDINANCE 01102005BLease AgreementR.L. EnterprisesFixed Base OperatorFBORobbins, RoyalLaver, MichaelAiken AirportBonzer Air, LLCLyle, James

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to reassign the lease for the hangar located at the Aiken Municipal Airport from R.L. Enterprise to Bonzer Air, LLC.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING A HANGAR SALE AND ASSIGNMENT OF A LEASE BETWEEN R-L ENTERPRISES AND BONZER AIR, LLC.

Mr. LeDuc stated that in 1993, the City approved a land lease agreement with R L Enterprises, which was modified in 1999 and 2001. We allowed our current Fixed Base Operator at Aiken Airport, R L Enterprises, to construct a building on property owned by the City adjoining the taxiway off of Aviation Boulevard. The lessee would now like to sell the hangar and assign the lease to Bonzer Air, LLC. This is being done as a tax restructuring, as the ownership partners are still involved. The company will continue to abide by all of the agreements under the current lease agreement. Item 12 of this agreement requires City Council approval when a company reassigns their lease to another company.

In 2001, the FBO made a similar request to change the lease to the name of James Lyle, but this transaction was never completed. Instead they will now, upon City Council's approval, substitute Bonzer Air, LLC in its place.

Mr. LeDuc stated that recently there was a great opportunity working with the FBO, R. L. Robbins, a local Senator and some other representatives, to discuss the needs of the airport with representatives in Washington. He said the group requested funds for installation of an ILS at the airport. He said about three years ago city staff met with a number of the pilots at the airport, and their requests were that the City consider lengthening the major runway, overlaying the major runway and an ILS. He said through support of the FBO, R. L. Robbins and Mike Laver, the city has been successful with the first two projects.

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to reassign the lease for the hangar located at the Aiken Municipal Airport from R L Enterprise to Bonzer Air, LLC, and that the ordinance become effective immediately.

REZONE – ORDINANCEMuniz, MargoHoover, JudithTwo Notch Road 1506Lackey, James EstateTPN 122-05-20-002TPN 30-056.0-07-010 (old)

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property on Two Notch Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED AT 1506 TWO NOTCH ROAD FROM RESIDENTIAL SINGLE-FAMILY (RS-15) TO LIMITED PROFESSIONAL (LP).

Mr. LeDuc stated Dr. Margo Muniz is requesting the rezoning of a 0.41 acre tract located at 1506 Two Notch Road from RS-15 to Limited Professional. The applicant would like to convert the existing single-family home into a medical office. The Comprehensive Plan for the area shows the proposed zoning is consistent with their proposal for LP. The property to the north, east, and south are all zoned LP. The property across Two Notch Road is the location of the Carolina Bay. Currently there are several other doctors' offices in this area.

The Planning Commission voted 4-2 in favor of the rezoning of this property on Two Notch Road to LP.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that the ordinance to rezone property at 1506 Two Notch Road from RS-15 to Limited Professional LP be passed on first reading and that second reading and public hearing be held at the next regular meeting of Council.

Councilwoman Vaughters stated she had received some calls on the proposed rezoning, with the main concern to be sure that business zoning is not creeping up Two Notch Road. The residents were concerned that the rezoning may be creeping along to the next lot.

Mr. Ed Evans, Planning Director, pointed out the requested lot is the last lot on Two Notch Road in the Comprehensive Plan to be zoned LP. He pointed out this lot is surrounded by the LP zone.

Mr. Michael Sullivan stated he was the owner of 1205 Two Notch Road just down the road from this property. He said he spoke at the Planning Commission meeting and expressed his opinion about the property being used for the best and highest use. He said, however, what is the highest and best use of the property for the neighborhood may not be the highest and best use for the property owner. He pointed out that residential and commercial or professional property owners have opposite needs, no traffic versus more traffic. He stated the property is not surrounded by business. He stated the lot proposed to be rezoned faces Two Notch Road. He said there are professional buildings to the south of the lot, but north of it is egress to the new proposed residential development and a residence. He said the objectives of a business are opposite the objectives of most residential areas, with the residential area wanting the area as quiet as possible. He was concerned about increased traffic on Two Notch Road. He was also concerned about possible uses in the LP zone and possible Special Exceptions being granted. He pointed out the doctor's office may close, and then the property may be used for some other use allowed in the LP zone. He said he understood Council is in the process of redefining the LP zone and uses that may be allowed in that zone. He was concerned about what uses may be allowed in the LP zone in the future. He pointed out the property is surrounded by the LP zone, but it is not surrounded by properties that are used as LP uses, but is residential. He did express concern about possible uses that could be in the area behind this property that is currently zoned LP.

Councilman Cuning pointed out that the LP zone is a transition zone and generates less traffic than an area zoned as General Business. He pointed out that the Comprehensive Plan does designate the area as LP. He said he agrees that the LP zone should stop where designated by the Comprehensive Plan. He pointed out a housing development is proposed for the LP zone behind this property, and the developer might consider rezoning it to the use being proposed for the property so it will remain as residential use.

Mayor Cavanaugh stated he understood Mr. Sullivan's points. He said, however, the Comprehensive Plan does designate the property as LP, and he did not feel the change would create a lot more traffic in the area. He also pointed out the city was working on controlling traffic on Two Notch Road.

Council then discussed at length the proposed development behind this property and possibilities that could happen in developing the property.

Mr. Martin Buckley, 1141 Two Notch Road, expressed concern about traffic on Two Notch Road and about rezoning the lot at 1506 Two Notch Road. He was opposed to the rezoning because he felt it would increase traffic in the area, and he wanted to keep the area residential.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance to rezone property at 1506 Two Notch Road from RS-15 to Limited Professional LP on first reading and that second reading and public hearing be held at the next regular meeting of Council. The motion was approved by a vote of 4 in favor and 3 opposed. In favor were Mayor Cavanaugh, Councilmembers Clyburn, Cuning, and Sprawls. Opposed were Councilmembers Price, Smith and Vaughters.

#### REZONING – ORDINANCE

Aiken Corporation  
Willow Run Business Park  
Beaufort Street  
By-Pass  
Hampton Avenue  
SC 118

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property at the Willow Run Business Park on Beaufort Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY AIKEN CORPORATION FROM GENERAL BUSINESS (GB), LIGHT INDUSTRIAL (LI), RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML), AND INDUSTRIAL (L) TO LIMITED MANUFACTURING (LM).

Mr. LeDuc stated the Aiken Corporation would like to rezone the 18.5 acres located at the Willow Run Business Park as Limited Manufacturing. Currently, the property is zoned as four different zones--General Business, Light Industrial, Residential Multi-Family, and Industrial. In October, City Council adopted an ordinance creating this new Limited Manufacturing zone which is similar to Light Industrial, except it allows firms to manufacture, process, fabricate, and package goods within this zone. Activities that were considered noxious because of their impact on surrounding areas due to noise, glare, dust, odor, or high hazardous material are prohibited in the Limited Manufacturing zone. Since the park currently has four different zoning designations, the Planning Commission felt it was important that the park should have only one zone and unanimously recommended this rezoning to LM.

Councilwoman Clyburn stated the matter had been discussed several times. She stated she did feel that the proposed zoning is better than the current different zones and would be better for the area. She stated the Planning Commission worked on this zoning for several months before recommending the Limited Manufacturing zone.

Councilwoman Price expressed concern about what is allowed in the Limited Manufacturing zone and wanted to be sure what is allowed would be compatible with the area. She said she wanted to be sure that nothing was placed in the park which might cause health concerns for residents in the area.

In the discussion that followed it was pointed out the property had not been rezoned but was zoned Industrial and General Business when it was purchased, and the park actually has four different zones currently. The proposal is to make clearer what is allowed in the park and make it all one zone. Presently some heavy manufacturing could be allowed in the park.

Councilwoman Vaughters stated her understanding when Willow Run was first discussed was that it was going to be a business park, not a manufacturing park.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the ordinance to rezone 18.5 acres of property at the Willow Run Business Park as Limited Manufacturing be passed on first reading, and that second reading and public hearing be set for the next regularly scheduled meeting.

#### REZONING – ORDINANCE

Kings Sport Way

Shealy, T. Darrell

Shealy, Regina

TPN 087-20-12-001

TPN 30-007.0-01-041 (old)

Gregg Avenue

Kalmia Hill

Mayor Cavanaugh stated an ordinance had been prepared to rezone property at Kings Sport Way.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED ON KINGS SPORT WAY FROM RESIDENTIAL SINGLE-FAMILY (RS-15) TO RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated the Shealys originally requested the rezoning of a 2.78 acre tract of land on Kings Sport Way from RS-15 to RS-6. Approximately 15 dwelling units could be built on this property. The Comprehensive Plan lists the property as medium-density residential, whereas RS-6 is considered high density. The property to the west of this tract of land is zoned RS-6 and to the north, south, and east, the area is zoned for RS-15 or larger lots. The lots that are already existing on Kings Sport Way for the western portion of the site mainly consist of these smaller lots, as proposed.

After reviewing this proposal, the Planning Commission voted unanimously to deny this rezoning, primarily because they felt the density would be too high. Based on this decision, the Shealys have asked that Council consider a modification to their request. The Shealys have stated their intent was to rezone a portion of the property as RS-6 and to keep the other portion as RS-15. Instead of rezoning the entire tract as RS-6, they would like to amend this to rezone the western portion consisting of 1.62 acres to RS-6 and the remaining 1.16 acres would stay as RS-15. They intend to build their home on the portion zoned RS-15. The proposed rezoning would mirror the existing lots that are currently RS-6 in the Kings Sport Complex, and 7 to 8 homes would be built on this portion of the property.

Mr. LeDuc stated the Shealys had submitted a letter modifying their request. He said Council had several choices. Council could pass on first reading the request as submitted, the modification could be passed on first reading, or Council could send the request back to the Planning Commission for review, or Council could deny the request.

Council then discussed the matter at length. Mayor Cavanaugh and Councilman Cunning stated they felt the Planning Commission should review the modified request since the request had changed from what was submitted to them.

Mr. Darrell Shealy, owner of the property, stated he did what he was advised to do by the Planning Department. He said he did not know that he could split the property into separate lots and ask for part to be rezoned and leave the other the current zone. He said he had no problem with the Planning Commission reviewing the request again. He pointed out that originally the property in the area was designed for a higher density with PUD zoning with 82 dwelling units. He said his intention presented to the Planning Commission was to build 7 to 8 homes on a portion of the property and his house on the other portion. He said he understood there is not enough R-6 zoning, and the city is

trying to further develop the downtown as residential. He said his proposal does blend with the area. He said he was asking that the area closest to RS-6 be rezoned to RS-6. He said he had signatures from two homeowners that adjoin his property who have no objections to his request. He stated those property owners are: Ms. Carla Cribb on Gregg Avenue and Mr. Bill Howell on Wildwood Road. He also mentioned that the detention pond would be filled in. He said Mr. Larry Morris, Public Works Director, had stated that the detention pond is no longer needed for storm drainage, so the pond could be filled in. He said it was a temporary pond. He said his proposal would add to the tax base of the city.

Mr. Ed Evans, Planning Director, stated he felt it would be unwise to place the matter on the Planning Commission agenda on January 11, 2005, because there would be no notice to anyone in the area.

Mr. Gary Smith, City Attorney, stated if the Planning Commission was going to look at the matter in detail, they would need to advertise the matter as a public hearing. He said Council has the ability to modify the proposal without going back to the Planning Commission if they desire.

Councilwoman Vaughters stated she felt the matter should be considered by the Planning Commission after being advertised.

Council then discussed whether they wanted to send the modified request to the Planning Commission for review, or Council just consider the modified request and have a public hearing on the request. Councilwoman Clyburn pointed out Council will have a public hearing on the matter. She stated if the neighbors don't like the proposal they will be at the Council meeting. She stated the people who will attend the Planning Commission meeting will be the same people to appear before Council. She just wondered why have the citizens come twice when Council can hear the information. In the discussion it was pointed out that Mr. Shealy could have modified his request at the Planning Commission meeting to reflect his intentions.

Councilwoman Price stated initially she was in support of sending the request back to the Planning Commission for action. However, after hearing Mr. Shealy's comments and the comments from the Planning Commission, she stated if there was no avenue for the public to voice their concerns she would have concern about not sending it back to the Planning Commission. She stated, however, Council holds a second reading and public hearing and the citizens will have opportunity to voice their opinions on the modified request.

Mr. Mike Brazeal stated his observations from the Planning Commission meeting was that the neighbors objected to the rezoning because of a question about the detention pond. He said the pond is on Mr. Shealy's property and does not serve Kings Sport for stormwater. He said the detention pond was a temporary pond. He said it is grown over now and is dry. He said it does not serve Kings Sport storm drainage. He said the Planning Commission members had positive comments about the proposal, but the opposition came from the neighbors about the detention pond and building 15 houses on the property.

Councilwoman Price moved, seconded by Councilman Sprawls, that the proposed ordinance be amended, and that Council pass on first reading an ordinance to rezone 1.62 acres of land at Kings Sport Way from RS-15 to RS-6, as requested in Mr. Darrell Shealy's modified request, with the condition that the Shealys present an official surveyed subdivision plat showing the modified request, and that second reading and public hearing be set for the next regular meeting of Council. Council asked that the property owners in the area be notified of the public hearing. The motion was approved by a majority vote, with Councilwoman Vaughters opposing the motion.

Councilwoman Vaughters stated her objection is that she feels the matter should be sent back to the Planning Commission for their comments since the request has been modified. She said she felt the neighbors deserve a public hearing before the Planning Commission and before City Council on the modified plan.



Council also expressed concern about the detention pond and asked that information regarding the detention pond be clarified.

### ZONING ORDINANCE – ORDINANCE

#### Amendment

#### Fences

#### Walls

Mayor Cavanaugh stated an ordinance had been prepared to amend the Zoning Ordinance regarding fences and walls.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING SECTION 4.1.4 OF THE CITY OF AIKEN ZONING ORDINANCE.

Mr. LeDuc stated the City's regulations in effect from 1971 until 1999, allowed fences and walls up to twelve feet in height anywhere within the City. In 1999, the zoning laws were changed and reduced the fence heights to 6 feet, except in front of the house where the height could be 4 feet or less. We have received a number of requests before BZA asking for a variance due to the confusion and restrictions currently in our zoning regulations regarding fences. For this reason, the Planning Commission has recommended that the limit on the height of fences be changed to 6 feet on all sides of the house, and that a fence or a wall in a historic district can be up to 12 feet in height. It also removes some of the language which was confusing within the ordinance.

These changes were approved unanimously by the Planning Commission at their last meeting.

Councilman Cunning pointed out that there was a problem with the fence when the condos were built at the Village at Houndslake behind Food Lion. He pointed out they could only build a 6 foot wall because of the regulations. He pointed out there may be cases where 6 feet may not be high enough for sound abatement in some areas. He wondered whether there should be some flexibility in the height with 8 feet for certain reasons.

Mr. LeDuc pointed out that a person can always request a variance from the Board of Zoning Appeals for a higher fence. The proposed ordinance would allow a 6 foot fence by right. He said the proposed ordinance is trying to cut down on the number of variances before the BZA.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to revise the Zoning Ordinance regarding fences and walls within the City, and that second reading and public hearing be set for the next regular meeting of Council. Councilwoman Price was not present for the voting.

### GIRL SCOUTS

#### Girl Scout Hut

#### Hut

#### Dupree Place 324

#### Central Savannah River Council

#### Coker Spring Park

Mayor Cavanaugh stated a request had been received from the Girl Scouts, Central Savannah River Council to renovate the Girl Scout Hut on Dupree Place.

Mr. LeDuc stated last summer Council approved extending the Girl Scout lease for the Hut on Dupree Street for an additional 25 years. That agreement states that any alterations to the building or structure cannot be completed without consent by City Council. Originally, the Girl Scouts intended to construct a new building at this site, but

based on current plans this may not be a reality for some time in the future. Instead, they would like to make several interior improvements, including replacing the kitchen cabinets, counter top, and sink and to paint the exterior trim of the building.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the Girl Scouts, Central Savannah River Council be authorized to make improvements to the Girl Scout Hut at 324 Dupree Place.

#### JURY BOX 2005

City Court  
Municipal Court  
Court

Mayor Cavanaugh stated Council needed to approve the Jury Box for 2005.

Mr. LeDuc stated Sara Ridout serves as the City Clerk for the City of Aiken, and each year prepares a jury box, and submits this Jury Box for City Council approval. For Council's consideration is approval of the Jury Box for 2005.

Under our form of government, the members of City Council are the jury commissioners for the Municipal Court for the city. Each year City Council must approve the preparation of a Jury Box during the first 30 days of the year. The box contains two compartments designated as compartment "A" and compartment "B." The names of all registered voters in the city are placed in compartment "A" and during the year jurors are randomly selected from compartment "A." After selection for a particular term of court, the names are then placed in compartment "B" so that the names are not selected again during the calendar year. We have a total of 15,633 registered voters in the city, and those names have been placed in the Jury Box.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council approve the preparation of the Jury Box for 2005.

#### ZONING ORDINANCE – ORDINANCE

Amendment  
Beauty Salon  
Waterloo Street 138  
Livingston, Judy  
Limited Professional Zone

Mayor Cavanaugh stated Councilman Sprawls had requested that Council add to this agenda discussion to consider an amendment to the Zoning Ordinance regarding adding beauty salons to the Limited Professional zone at the next Council meeting.

Councilman Sprawls stated he would like for Council to again consider amending the Zoning Ordinance by adding beauty salons to the Limited Professional Zone. He said this matter was considered at the December 13, 2004, meeting and was denied at that time. He said he had some additional information regarding some beauty shops that were acted on by the BZA and there are additional citizens and business persons who would like to speak regarding the matter. He said he felt the request merits another hearing.

Councilman Sprawls moved that Council place the matter of amending the Zoning Ordinance regarding adding beauty salons to the LP zone on the next regular meeting agenda.

Mr. Gary Smith, City Attorney, stated it is not so much a matter of a motion and second, but that three Councilmembers vote in favor of adding the matter to the next agenda. He said for reconsideration a Councilmember of the prevailing side must vote in favor of the motion for reconsideration. However, on this particular item the ordinance says that only 3 Councilmembers have to agree to place the matter on the agenda. He said if 3 Councilmembers agree the City Manager will place the matter on the agenda for first reading.

Mayor Cavanaugh asked if there were three members who would approve adding the matter to the next agenda. Councilman Cunning stated he was in favor of adding the matter to the next agenda.

Council then discussed the matter at length and whether to add it to the next agenda and the reason for adding the matter to the agenda.

Mayor Cavanaugh stated Council had been through the first and second readings and public hearing. He said he was in favor of amending the Zoning Ordinance and felt that Waterloo was a good place for a beauty salon. He said he still feels that way, but before he would be in favor of placing it on the agenda again, he would like to hear some reason that the vote would be different from last time. He said 4 people voted against it last time. He asked why place it back on the agenda without any reason to believe that one or more of those 4 people would vote differently. He said he had not heard anyone who was in the majority on the vote last time say they wanted to place the matter on the agenda again. He said he did not want to go back through all the discussion and public hearing without someone saying there was a good reason to address the matter again. He said he did not see the point of the matter. He said if Council is to consider the matter again, he would want to be sure that all people in the LP zones all over the city are aware of a proposed change in the LP zone. He said he was concerned about people not being notified of changes in the Zoning Ordinance that affect the zoning of their property.

Councilman Smith stated he agreed with the Mayor. He said the matter was discussed extensively. It was not any easy vote. He said he had stated he felt a beauty salon would not be a bad thing in the LP zone, but the process should not be one where there is a specific case and the ordinance is changed to accommodate one problem. He said variances are different, but he did not see this as the right process for this matter. He said it was almost like a spot zoning type thing. He said he did not feel this was the way to go. He said a variance is one specific request and not a change to the ordinance which affects all zones across the city.

Councilman Cunning stated he understood the reasons and if no one will be the third person to agree to place it on the agenda, it does not matter. He said unless someone who voted against the matter agrees to place the matter on the agenda for more information, there is no reason to place it back on the agenda.

Councilwoman Vaughters expressed concern about matters being brought up again and again and matters not ever being settled. She felt this would be very confusing for the citizens not ever knowing that a matter is decided. She said she thought there was a time period before something could be brought up again.

Councilwoman Price stated personally she had no problem with the beauty shop being on Waterloo Street, but she was concerned about comments and the procedure. She said others inquire about zoning before purchasing property and adhere to the regulations. She said she was concerned about Council getting into the situation of continuing to bring items up again and again and changing a decision after someone makes a substantial investment in property.

Councilman Cunning pointed out in the discussion of the matter he felt there were items in the LP zone that should be changed and that Council should go through the list. He said when Council considers changes, everyone in the LP zones should be notified.

Councilwoman Vaughters stated since the matter came up five people in the neighborhood have asked to look at the LP zone and they have been given copies of the ordinance. She said they hope to come to City Council with some kind of suggestion for the LP zone. She said that is the process for the matter.

Councilwoman Clyburn stated her concern in the matter was that the ordinance would change the LP zones all over the city. She pointed out that someone was present from Two Notch Road and was concerned about the same thing happening to the LP zone near her. She said if someone could present different information that would convince her to change her vote she would be willing to agree to hear the matter again. She also

expressed concern about Councilmembers being able to bring matters up again and again if three people agree. She said this could keep Council going around in a circle redoing things forever. She said she would like to see the beauty shop issue on Waterloo Street resolved and would like to see the LP zone reviewed. She was very concerned about bringing items up again and again.

Since three people did not agree to bring the matter up regarding amending the Zoning Ordinance to allow beauty salons in the LP zone, it will not be placed on the agenda for the next meeting.

### SIGNS

#### Downtown

#### ADDA

#### Aiken Downtown Development Association

#### Directional Signs

Mayor Cavanaugh stated Councilwoman Vaughters asked that an update on the directional signs in the downtown area be added to the agenda.

Councilwoman Vaughters stated she felt the directional signs which were erected downtown during the Christmas season were great. She wanted to know if there was a report on feedback from the merchants. She stated she felt it would be great to have signs up for the Masters and the Triple Crown events.

Mr. LeDuc stated the only comments he heard were from merchants or citizens. He said he was not at the ADDA meeting last week, so he had not heard the discussion. Mr. Bill Huggins stated he understood that signs would be on the ADDA agenda for the meeting of the Sign Committee on January 19 to discuss feedback. Mr. LeDuc stated once the City gets information from ADDA, the matter has to come back to Council, because the law says without Council's permission signs cannot be placed on the right of way advertising private businesses.

Mr. Ed Evans, Planning Director, stated he felt the matter would have to have BZA approval, since it would be signs for businesses.

Mr. LeDuc stated staff would get information from ADDA regarding comments on the signs. He said one of the issues is how far down in the downtown area do the signs go, and in what blocks. He said he understood the original intent was not for the signs to be on Laurens Street, but to list businesses on the side streets. He said, however, now there are a number of merchants on Laurens Street that want a sign.

Council discussed the matter and asked that possibly some decision be made soon on the signs.

### TRUCKS

#### Crosland Park

#### Wade, John

#### Cornish Street 1180

#### Payne, Al

Ms. Al Payne, of 1415 Wyman Street NE, stated she was appearing before Council regarding big trucks being parked in Crosland Park. She said the City had helped tremendously since she first appeared before Council about the big trucks in Crosland Park. She stated the problem now is the trucks parked at John Wade's house at 1180 Cornish Street. She stated Mr. Wade has 8 trucks parked on his lot. She was asking for the city's help in getting the law enforced regarding the trucks parked at Mr. Wade's house. She pointed out the city has an ordinance and asked that it be enforced. She said she was trying to keep the neighborhood looking good.

Mr. LeDuc stated he had researched the ordinance and the ordinance is very specific. He said he will be talking to Tommy Paradise who enforces the ordinance to discuss the problem and would be in touch with Ms. Payne regarding the matter.

TELECOMMUNICATIONSFeesLicenseBusiness License

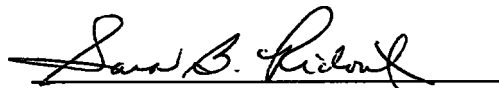
Mayor Cavanaugh stated he would like to call to Council's attention that the Governor is not going to disapprove the telecommunication fee increase. He pointed out the City of Aiken's fee used to be 5%. Then the legislature reduced it to .75% with the city losing \$500,000 plus per year. He said the amendment was to increase the fee to 1%. He said the Governor could sign the bill and approve it or he could disapprove it. He said the Governor is not going to sign the bill so it will automatically be approved.

PUBLIC SAFETY DEPARTMENTGranitevilleChlorine DisasterTrain Wreck

Mayor Cavanaugh stated he also wanted to commend the city's Public Safety Department for their help in the Graniteville train wreck and the chlorine spill. He said the city's Public Safety Department's participation had been tremendous and our personnel had been available to do whatever was needed. He said it was amazing to see people from all over the state helping in this disaster. He said it was great to see everyone working together. He said the logistics of this was tremendous, with 200 plus public safety, FBI, SLED, railroad personnel, environmental people, Westinghouse, Red Cross, Salvation Army, etc.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:39 P.M.



Sara B. Ridout  
City Clerk